

# EXHIBIT 2

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 C.A. No. 11 Civ. 0691 (LAK)

5 -----x  
6 CHEVRON CORPORATION,

7 Plaintiff,

8  
9 - against -

10 STEVEN DONZIGER, et al.,

11 Defendants.

12 -----x

13 June 25, 2018  
14 10:07 a.m.

15 Videotaped Deposition of STEVEN  
16 DONZIGER, taken by Plaintiff, pursuant to  
17 Order, held at the offices of Gibson Dunn &  
18 Crutcher LLP, 200 Park Avenue, New York,  
19 New York, before Todd DeSimone, a  
20 Registered Professional Reporter and Notary  
21 Public of the State of New York.  
22  
23  
24  
25

1 DONZIGER

2 Q. So you refuse to answer whether  
3 you have received any money raised on the  
4 basis of the judgment since March of 2014?

5 A. I have acknowledged before  
6 Judge Kaplan already that I have been paid  
7 out of monies raised to pay litigation  
8 expenses as he expressly permitted in his  
9 April 25th order. So please stop harassing  
10 me. I mean, ask a question about the  
11 Elliott meeting or about my financial  
12 condition. That's what this deposition is  
13 about.

14 Q. So the answer is yes, you have  
15 received money --

16 A. Don't tell me what the answer  
17 is. I answer the questions, you ask the  
18 questions.

19 Q. Well, not so far, but maybe we  
20 will get there.

21 On how many occasions have you  
22 received monies raised to pay, as you  
23 describe it, litigation expenses?

24 A. I object. It is beyond the  
25 scope of the deposition. I have received

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2 A. I don't know. I mean, we are  
3 talking 25 years, so it is a massive amount  
4 of material, and I have an accounting, it's  
5 not complete, it's substantially complete,  
6 but it's not complete.

7 Q. And who prepared this  
8 accounting that is substantially complete?

9 A. Different people.

10 Q. Can you identify them, please?

11 A. I feel like this is intruding a  
12 bit on the First Amendment issue. I will  
13 answer it, though, because you already  
14 know. So the person who originally put  
15 this together was Josh Rizack and then  
16 subsequent to Josh, who didn't complete it,  
17 but he got a fair amount down the road with  
18 it, we hired Katie Sullivan to complete it.

19 Q. You retained Ms. Sullivan to  
20 prepare your accounting for the Ecuador  
21 case?

22 A. I retained Ms. Sullivan to do a  
23 number of different tasks, mostly to help  
24 fundraise, but also to provide sort of  
25 backup admin support to the case and to the

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2 people on the case who needed it.

3 Q. When did you retain  
4 Ms. Sullivan?

5 A. You are kind of moving into  
6 that area now? You want to talk about  
7 Ms. Sullivan?

8 Q. When did you retain  
9 Ms. Sullivan?

10 A. This is beyond the scope of the  
11 deposition.

12 Generally, okay, I will answer  
13 your question, because it is narrow, I  
14 retained Ms. Sullivan on behalf of the FDA  
15 in approximately October of last year.

16 Q. 2017?

17 A. Yes.

18 Q. Do you have any written  
19 agreement with Ms. Sullivan or her company?

20 A. There is a draft of an  
21 agreement, but I don't believe that it was  
22 executed, although I'm not sure.

23 Q. And other than fundraising and  
24 preparing accountings for you and your  
25 firm, any other functions Ms. Sullivan was

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2 organized, as accounts to hold funds that  
3 have been subsequently transferred out to  
4 other people to pay case expenses, yes.

5 Q. So am I understanding you that  
6 you have commingled case funds with your  
7 personal funds?

8 A. No. Commingle is your word.

9 Q. Well, you have put them in the  
10 same account, the money, yes?

11 A. It's not commingling as far as  
12 I'm concerned. That's an opinion that  
13 you're expressing.

14 You know, the money comes in.  
15 We almost never have enough money to meet  
16 the need and all the bills, and it has to  
17 be then sent out in a way to keep the case  
18 going. I have done that through the years  
19 from time to time.

20 Q. And you keep accurate records  
21 of all the case money that comes in and all  
22 the case money that flows out, is that  
23 right, of your accounts?

24 A. The records are all electronic  
25 and easily retrievable. I had brought in

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2 Ms. Sullivan to help get it organized and  
3 up to speed and pick up where Mr. Rizack  
4 left off.

5 Q. Is there any one of these five  
6 accounts that is used exclusively for the  
7 Ecuador case and does not contain any of  
8 your personal funds?

9 A. 8132.

10 Q. So that's exclusive to the  
11 case?

12 A. Yes.

13 Q. Other than these accounts, are  
14 there other accounts that you control and  
15 to which Ecuador case funds have been  
16 deposited?

17 A. That is beyond the scope. Are  
18 you inquiring as to my present financial  
19 condition? Is that what this is about?

20 Q. I'm asking you if there are  
21 other accounts where Ecuador case funds --

22 A. Currently -- let me answer your  
23 question --

24 Q. That you control.

25 A. Let me answer your question

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2 I think it is a great organization. On  
3 occasion I have helped them try to raise  
4 money for other purposes, foundation money,  
5 that kind of thing, projects, health  
6 projects. People are hurting, so there is  
7 all sorts of projects the FDA does, and on  
8 occasion I have tried to help them raise  
9 money.

10 Q. And is there any limit to the  
11 number of percentage interest you are  
12 authorized to sell in the judgment on  
13 behalf of the FDA?

14 A. Well, I don't sell anything. I  
15 try to get funders to buy interest in the  
16 judgment, and obviously subject to client  
17 approval. So I will do the best I can for  
18 my clients in that regard and present the  
19 possibility to them and they can say yes or  
20 no. You know, they determine that.

21 Q. Well, my question is actually  
22 in your view, is there any limit on the  
23 percentage interest the FDA can sell in the  
24 judgment? Can they sell somebody 50  
25 percent of the judgment, for example?



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2 Q. Did you discuss with  
3 Ms. Sullivan how much you were going to ask  
4 Elliott for?

5 A. I think we did.

6 Q. When you told Elliott that you  
7 had a 6.3 percent interest in the judgment,  
8 was that an accurate statement?

9 A. According to my retainer, yes,  
10 but I have given portions of that to other  
11 people.

12 Q. To whom have you given portions  
13 of that?

14 A. Rick Friedman, Zoe Littlepage.

15 Q. Did you give them --

16 A. So they would represent me in  
17 the RICO case, just to be clear.

18 Q. You gave them portions of that  
19 before or after the RICO judgment?

20 A. Before.

21 Q. So what percentage of the 6.3  
22 do you currently own?

23 A. Again, I think it is pretty  
24 much a nullity for practical purposes given  
25 the RICO judgment. But I think if you were

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2 to discount what has been allocated to  
3 Mr. Friedman and Ms. Littlepage and a  
4 couple of other people --

5 Q. Who were the other people?

6 A. Two people who had loaned me  
7 money to pay John Keker, family members. I  
8 would estimate it is about 5 or 5.2  
9 percent.

10 Q. I'm sorry, what you have left  
11 is 5 percent?

12 A. In other words, instead of 6.3,  
13 even though it is all for me and I owe  
14 them, that if you were to discount what  
15 they have been contractually promised, it  
16 would be about 5.2 percent based on my best  
17 estimates.

18 Q. When you say discount, you mean  
19 subtract out?

20 A. Yes, subtract out.

21 Q. From the 6.3?

22 A. Yeah.

23 Q. Why was your 6.3 percentage  
24 being discussed with Elliott?

25 A. I don't remember. I think

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2 through April of 2016. You received the  
3 \$488,000 from Mr. Lenczner, if it refreshes  
4 your recollection, starting in --

5 A. So the answer to your question  
6 is I don't believe -- I think most of these  
7 were personal. Well, I will say all of  
8 them were personal because I got money into  
9 this account. I was supposed to use it on  
10 myself, my family.

11 Q. So you were personally paying  
12 Mr. Page, for example?

13 A. From time to time, yes.

14 Q. In your response to  
15 Interrogatory No. 3, you said your only  
16 sources of income are "remuneration  
17 authorized by my clients and paid out of  
18 litigation expense funds raised with my  
19 assistance, a modest monthly income  
20 generated by two properties, Argyle  
21 Knoxville and Lewmike LLC."

22 Do you recall that?

23 A. Yes.

24 Q. For the time period from 2014  
25 to the present, is that an accurate

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2 statement or does it change year to year?

3 A. Well, it is accurate over that  
4 period of time. If your question is, is  
5 there other sources of income at any time  
6 during that time --

7 Q. Yes, sir.

8 A. I don't believe so, but I  
9 wouldn't, you know, to the best of my  
10 knowledge, no, but, you know, it is a lot  
11 of years, and I occasionally try to do  
12 other things but I really haven't -- I  
13 can't -- I don't think I did anything else  
14 during those years.

15 Q. And do you own any interest in  
16 any properties other than Argyle Knoxville  
17 and Lewmike LLC?

18 A. Well, there is one other  
19 property I think I mentioned in my  
20 responses.

21 Q. What would that be?

22 A. It is a property in Florida  
23 that I inherited when my dad passed away.

24 Q. And what's the name of it?

25 A. It is not on there? I thought

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2 Elliott meeting, that is covered by your  
3 retainer? You don't bill separately for  
4 that with a timesheet?

5 A. No.

6 Q. So those types of activities  
7 are covered by your retainer?

8 A. Yes.

9 Q. When you get reimbursed for  
10 expenses, the FDA approves those expenses?

11 A. On the sort of pretty rare  
12 occasion I get reimbursed for expenses, I  
13 put it in an invoice, get paid, when I do  
14 an accounting with the clients they know  
15 what the expenses are and they approve it.

16 Q. So the money from the Lenczner  
17 firm that was transferred to you, was any  
18 portion of that money to pay your retainer?

19 A. I think this is a little bit  
20 beyond the scope.

21 Q. I don't think so.

22 A. Why not?

23 Q. Because the issue relates to  
24 compliance with the Court's injunction.

25 A. Okay. I will answer it. The

CERTIFICATION

I, TODD DeSIMONE, a Notary Public for  
and within the State of New York, do hereby  
certify:

That the witness whose testimony as  
herein set forth, was duly sworn by me; and  
that the within transcript is a true record  
of the testimony given by said witness.

I further certify that I am not related  
to any of the parties to this action by  
blood or marriage, and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 26th day of June, 2018.



TODD DESIMONE

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